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Attorney for Plaintiff, ESTATE OF GERARDO VALENTINEZ

FILED

08 APR 29 PM 3:56

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]*

DEPUTY

'08 CV 0781 BEN WMC

UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

THE ESTATE OF GERARDO
VALENTINEZ, by its personal
representative GLORIA SERRANO OLIV
VALENTINEZ, and SKYE
VALENTINEZ, an individual and minor,
by and through her guardian *ad litem*,
ANGELA RUIZ,

Plaintiffs,

v.

UNITED STATES OF AMERICA and
DOES 1-20, INCLUSIVE,

Defendants.

Case No.

COMPLAINT FOR:

- (1) Bivens ACTION: EXCESSIVE FORCE
- (2) Bivens ACTION: WRONGFUL DEATH
- (3) RIGHT OF ASSOCIATION
- (4) WRONGFUL DEATH
CCP 377.60
- (5) FAILURE TO PROPERLY INVESTIGATE COMPLAINT
- (6) ASSAULT AND BATTERY
- (7) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- (8) NEGLIGENCE
- (9) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

JURY TRIAL IS HEREBY DEMANDED

1 COME NOW, the ESTATE OF GERARDO VALENTINEZ, through its personal
2 representative, Gloria Serrano Oliv Valentinez, by its attorney of record, Guadalupe Valencia and
3 SKYE VALENTINEZ, an individual and minor, through her guardian *ad litem* Angela Ruiz, by
4 her attorney of record, Eugene G. Iredale and allege and complain as follows:

5
6 **I.**
7 **GENERAL ALLEGATIONS**

8 1. Jurisdiction is proper in the United States District Court for the Southern District
9 of California pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1346(b)(1), et. seq.

10 2. This Court has supplemental jurisdiction over the pendent state law claims under
11 28 U.S.C. § 1367(a).

12 3. Plaintiff's claim under the Federal Tort Claims Act was timely filed on September
13 15, 2007. By operation of law, the claim is now deemed to have been denied.

14 4. Venue is proper in the Southern District of California because the acts or omissions
15 which form the basis of the Plaintiff's claims occurred in San Diego, California.

16 5. The matter in controversy exceeds, exclusive of interest and costs, the sum or value
17 of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS.

18 6. At all times relevant to this complaint, Plaintiffs were individuals residing in San
19 Diego County, California.

20 7. At all times relevant to this complaint, the Department of Homeland Security was
21 a federal agency of defendant UNITED STATES OF AMERICA and was operating in San Diego
22 County, California.

23 8. Plaintiffs is truly ignorant of the true names and capacities of DOES 1 through 20,
24 inclusive, and/or is truly ignorant of the facts giving rise to their liability and will amend this
25 complaint once their identities have been ascertained as well as the facts giving rise to their
26 liability.

27 9. These defendants were agents, servants and employees of each other of the other
28

1 named defendants and were acting at all times within the full course and scope of their agency and
2 employment, with the full knowledge and consent, either expressed or implied, of their principal
3 and/or employer and each of the other named defendants and each of the defendants had approved
4 or ratified the actions of the other defendants thereby making the currently named defendants
5 herein liable for the acts and/or omissions of their agents, servants and/or employees.

6
7 **II.**
FACTS

8 10. Plaintiffs reallege all prior paragraphs of this complaint and incorporate the same
9 herein by this reference as if those paragraphs were set forth in full herein.

10 11. On March 27, 2007, Mr. Valentez was detained after crossing the border into the
11 United States at San Ysidro.

12 12. At one point, there were four or five officers employed by DHS on top of Mr.
13 Valentez.

14 13. During the arrest, one officer, DOE 1, jumped on Mr. Valentez' back and got
15 him in a headlock.

16 14. DOE 1 heard Mr. Valentez gag as though he could not breath.

17 15. This same officer then placed his right boot on Mr. Valentez's neck near his
18 chin, and pushed down on it hard.

19 16. The more Mr. Valentez struggled to get the weight off of his back, the more
20 pressure the DOE 1 put on him.

21 17. Doe 1 then moved his foot from Mr. Valentez's neck. Another agent, Doe 2, then
22 placed her foot on Mr. Valentez's neck while Doe 1 put his knee on Mr. Valentez's head.

23 18. Doe 3 then used a pressure point compliance in which he applied pressure under
24 Mr. Valentez' jaw area.

25 19. At this point, Mr. Valentez stopped breathing and moving.

26 20. According to the defendants, Mr. Valentez was unconscious and "you could see
27 his eyes roll back. After that he totally just went limp."
28

1 21. Approximately six to eight officers were involved in detaining Mr. Valentez and
2 the arrest took between four to eight minutes, much of which involved great amount of weight
3 being placed on Mr. Valentez' back and neck.

4 22. While completely unconscious, Mr. Valentez was handcuffed behind his back
5 and leg-irons were used to shackle his legs.

6 23. Defendants then wrapped a leather dog-leash around his ankles and looped through
7 his cuffed arms to hobble his legs for maximum restraint.

8 24. The leather dog leash was clipped such that it brought his legs up to about a 90
9 degree angle behind him.

10 25. Defendants then lifted Mr. Valentez into a golf cart. He was not moving.

11 26. No defendant attempted CPR at this time.

12 27. Mr. Valentez was transported to a holding area in the golf cart.

13 28. Defendants noted that Mr. Valentez was unconscious.

14 29. He was carried to one cell where Defendants noted he "did not appear to be
15 responsive."

16 30. His ankle restraints were removed.

17 31. Minutes passed.

18 32. Then Defendants dragged the unconscious, nonresponsive Mr. Valentez on the
19 floor to another cell where they removed his handcuffs.

20 33. At this point, after Mr. Valentez did not react to smelling salts and his pupils
21 were becoming fixed. CPR was finally started and 9-1-1 called.

22 34. Mr. Valentez had suffered multiple blunt force injuries including multiple
23 abrasions and contusions of the face, scalp and body.

24 35. Mr. Valentez was declared dead with the cause of death being determined "neck
25 compression and prone restraint" and the manner of death being homicide.

26 36. Mr. Valentez is survived by his daughter, Skye Valentez.
27
28

FIRST CAUSE OF ACTION
(Excessive Force: *Bivens* Action
[Against Defendants DOES 1 through 20]

37. Plaintiffs incorporate the allegations contained in paragraphs one through thirty-five (35) by reference.

38. This cause of action is based upon *Bivens v. Six Unknown Federal Narcotic Agents* 403 U.S. 388 (1971).

39. Defendants deprived Mr. Valentez of his Fourth Amendment right to be free of excessive force.

40. The conduct alleged herein caused Plaintiff to be deprived of his civil rights that are protected under the United States Constitution which has also legally, proximately, foreseeably and actually caused Plaintiff to suffer emotional distress, pain and suffering, damage to reputation and further damages according to proof at the time of trial.

41. The conduct alleged herein also amounts to oppression, fraud or malice under federal law; justifying the award of exemplary damages against defendants in an amount according to proof at the time of trial in order to deter the defendant from engaging in similar conduct and to make an example by way of monetary punishment. Plaintiff is also entitled to attorney fees and costs of suit herein.

SECOND CAUSE OF ACTION
(Wrongful Death: *Bivens* Action
[Against Defendants DOES 1 through 20]

42. Plaintiffs incorporate by reference the allegation of paragraphs one through forty-one (41).

43. Defendants and DOES 1-20, inclusive, acting under color of state law, committed wrongful acts which proximately caused the death of Gerardo Valentez. Specifically, the defendants and DOES 1-20, inclusive, deprived Gerardo Valentez of his rights under the United States Constitution to be free from the use of excessive force by law enforcement and punishment without due process.

1 44. These acts resulted in the death of Gerardo Valentez.

2 45. By these acts, the defendants violated Gerardo Valentez' constitutional rights to
3 be free from excessive force, punishment without due process of law, cruel and unusual
4 punishment, and all rights guaranteed under the Fourth and Fourteenth Amendments.

5 46. The officers used excessive force as alleged above against Gerardo Valentez,
6 with a purpose to cause harm that is unrelated to the legitimate use of force. The force was used
7 to make Gerardo Valentez suffer and to punish him. The force used was unreasonable and
8 performed with a deliberate indifference to the safety and welfare of Gerardo Valentez.

9 47. The deprivation of the rights alleged above has destroyed the Constitutional rights
10 of SKYE VALENTINEZ to the familial love, society and companionship of her father Gerardo
11 Valentez protected by the substantive due process clause of the Fourteenth Amendment.

12 48. The conduct alleged herein violated Gerardo Valentez' rights alleged above
13 thereby resulting in a deprivation of Plaintiffss' rights alleged above which has legally,
14 proximately, foreseeably and actually caused Plaintiffs to suffer emotional distress, pain and
15 suffering, and further general and special damages according to proof at the time of trial.

16 THIRD CAUSE OF ACTION
17 Right of Association
18 [By Plaintiff SKYE VALENTINEZ
19 against all defendants]

20 49. Plaintiffs incorporate by reference the allegation of paragraphs one through forty-
21 eight (48).

22 50. Defendants and DOES 1-20, inclusive, acting under color of state law, deprived
23 Gerardo Valentez of his rights under the United States Constitution to be free from the use of
24 excessive force by law enforcement and punishment without due process.

25 51. By these acts, the defendants violated Gerardo Valentez' constitutional rights to
26 be free from excessive force, punishment without due process of law, cruel and unusual
27 punishment, and all rights guaranteed under the Fourth and Fourteenth Amendments. The
28

1 improper and unjustified use of deadly force used was unreasonable and excessive and performed
2 with a deliberate indifference to the safety and welfare of Gerardo Valentez.

3 52. The deprivation of the rights alleged above has destroyed the Constitutional rights
4 of his daughter SKYE VALENTINEZ to the familial love, society and companionship of her
5 father which is protected by the substantive due process clause of the Fourteenth Amendment.

6 53. The conduct alleged herein violated Gerardo Valentez' rights alleged above
7 thereby resulting in a deprivation of plaintiffs' rights alleged above which has legally,
8 proximately, foreseeably and actually caused Plaintiffs to suffer emotional distress, pain and
9 suffering, and further damages according to proof at the time of trial.

10
11 **FOURTH CAUSE OF ACTION**
12 **(Wrongful Death: CCP 377.60**
[Against Defendants DOES 1 through 20]

13
14 54. Plaintiffs incorporate by reference the allegation of paragraphs one through fifty-
15 three (53).

16 55. Mr. Valentez' death was caused, in whole or part, by the conduct of the
17 defendants.

18 56. Defendants were negligent or deliberately indifferent in causing Mr. Valentez'
19 death.

20 57. Mr. Valentez is survived by his child, Skye Valentez.

21 58. Monetary damages have resulted from Mr. Valentez' death including but not
22 limited to loss of support, services, lost prospect of inheritance, medical and funeral expenses and
23 interest from the date of Mr. Valentez' death.

24
25 **FIFTH CAUSE OF ACTION**
(Constitutionally Inadequate System of Investigation of Complaints by Citizens of
26 **Wrongdoing)**
[Against All Defendants and DOES 1 through 20]

27 59. Plaintiffs incorporate by reference the allegations of paragraphs one through fifty-
28

1 eight (58).

2 60. Officials of the Department of Homeland Security, acting under color of law, have
3 subjected plaintiff and other persons similarly situated to a pattern of conduct consisting of
4 continuing, widespread and persistent pattern of unconstitutional misconduct.

5 61. Defendants have failed to properly investigate complaints of excessive force.

6 62. Defendants have a widespread history of ratifying use of excessive force by failing
7 to conduct appropriate investigations into police misconduct.

8 63. Defendants knew and/or should have known that officers were violating peoples'
9 constitutional rights by using excessive force.

10 64. Faced with such information, Defendants refused to investigate the matter and/or
11 took no remedial steps or action against the Homeland Security agents.

12 65. There has been an official policy of acquiescence in the wrongful conduct.
13 Defendants failed to promulgate corrective policies and regulations in the face of repeated
14 Constitutional violations

15 66. As a result of the Defendants' historical failure to properly investigate complaints
16 of police misconduct Defendants were deliberately indifferent to the needs of Plaintiff. The
17 failure to investigate was the moving force behind the use of force on the Plaintiff and the
18 resulting pain and suffering.

19
20 **SIXTH CAUSE OF ACTION**

21 **Assault and Battery**

22 **[Against All Defendants and DOES 1-20]**

23 67. Plaintiffs incorporate by reference the allegations of paragraphs one through sixty-
24 six (66).

25 68. The Defendants, and each of them, acted with an intent to cause harmful or
26 offensive contact with the person of Plaintiff and the intended harmful or offensive contact did in
27 fact occur.

28 69. The harmful or offensive contact was not privileged nor consented to and was

1 excessive, unreasonable and done with deliberate indifference to the rights and safety of Plaintiff
2 and was done with the intent to inflict punishment, above and beyond the reason for using the
3 force in the first place.

4 70. As a result of the defendants' intent to cause harmful or offensive contact with the
5 person of Plaintiff and the fact that the intended harmful or offensive contact did in fact occur,
6 Plaintiff has suffered damages according to proof at the time of trial. Said damages are currently
7 in excess of the jurisdictional minimum of this court and include general and special damages
8 according to proof at the time of trial.

9 71. The conduct of Defendants also amounts to oppression, fraud or malice under
10 federal law and punitive damages should be assessed against each defendant for the purpose of
11 punishment and for the sake of example.

12
13 **SEVENTH CAUSE OF ACTION**
Intentional Infliction of Emotional Distress
[Against All Defendants and DOES 1-20]

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15 72. Plaintiffs incorporate by reference the allegations of paragraphs one through
16 seventy-one (71).

17 73. By engaging in the acts alleged herein, the defendants engaged in outrageous
18 conduct with an intent to or a reckless disregard of the probability of causing Plaintiffs to suffer
19 emotional distress.

20 74. As a direct, proximate and foreseeable result, Plaintiffs suffered severe emotional
21 distress and the outrageous conduct was the cause of the emotional distress suffered by Plaintiffs.

22 75. The conduct of defendants also amounts to oppression, fraud or malice under
23 federal law and punitive damages should be assessed against each defendant for the purpose of
24 punishment and for the sake of example.

25 **EIGHTH CAUSE OF ACTION**
Negligence
[Against All Defendants and DOES 1-20]

26
27 76. Plaintiffs incorporate by reference the allegations of paragraphs one through
28

1 seventy-five (75).

2 77. Defendants had a duty to Plaintiffs to act with ordinary care and prudence so as
3 not to cause harm or injury to another.

4 78. By engaging in the acts alleged herein, the Defendants failed to act with ordinary
5 care and breached their duty of care owed to Plaintiffs.

6 79. As a direct, proximate and foreseeable result of the Defendants breach of their duty
7 of care, Plaintiffs suffered damages in an amount according to proof at the time of trial.

8 **NINTH CAUSE OF ACTION**
9 **Negligent Infliction of Emotional Distress**
10 **[Against All Defendants and DOES 1 through 20]**

11 80. Plaintiffs incorporates by reference the allegations of paragraphs one through
12 seventy-nine (79).

13 81. By engaging in the acts alleged herein, the Defendants engaged in negligent
14 conduct causing Plaintiffs to suffer serious emotional distress.

15 82. As a direct, proximate and foreseeable result, Plaintiffs suffered serious emotional
16 distress and the outrageous conduct was the cause of the emotional distress suffered by Plaintiffs.

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1 WHEREFORE, Plaintiffs pray as follows:

- 2 1. For general and special damages according to proof at the time of trial;
3 2. For costs of suit and interest incurred herein,
4 3. For punitive damages, and
5 4. Any further injunctive or declaratory relief this court deems just and proper,
6 including an injunction requiring the institution of appropriate screening and hiring procedures,
7 proper training procedures, appropriate supervision and discipline procedures and prohibition of
8 the unjustified use of force because of their expression of complaints, and finally an order
9 requiring the establishment of an effective, honest and good-faith system for the investigation of
10 complaints of brutality by officers of the Department of Homeland Security.

11
12 DATED: April 29, 2008

Respectfully submitted,

13 **LAW OFFICES OF EUGENE G. IREDALE**

14 

15 EUGENE G. IREDALE
16 Attorney for Plaintiff
17 SKYE VALENTINEZ, by and through her
18 guardian *ad litem*, Angela Ruiz
19 105 West F St., Fourth Floor
20 San Diego, CA 92101
21 (619) 233-1525

22 **LAW OFFICES OF GUADALUPE VALENCIA**

23 

24 GUADALUPE VALENCIA
25 Attorney for Plaintiff
26 ESTATE OF GERARDO VALENTINEZ, by
27 and through its personal representative Gloria
28 Serrano Oliv Valentine
105 West F St., Third Floor
San Diego, CA 92101
(619) 232-2158

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

150345 - MB

**April 29, 2008
15:57:36**

Civ Fil Non-Pris

USAO #: 08CV0781 CIVIL FILING

Judge.: ROGER T BENITEZ

Amount.: \$350.00 CK

Check#: BC1662

Total-> \$350.00

**FROM: ESTATE OF GERARDO
VALENTINEZ AND SKYE VALENTINEZ
VS US**

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Estate of Gerardo Valentinéz and
Skye Valentinéz

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Eugene G. Iredale; 105 West F Street, 4th Fl.; (619) 233-1525

DEFENDANTS

United States of America and DOES 1-20, inclusive

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
BLAND INVOLVED.

Attorneys (If Known)

U.S. Attorney's Office

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Fourth and Fourteenth Amendments

Brief description of cause:

Deprivation of 4th & 14th Amendment rights to be free from excessive force, deprivation of due process.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/29/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

150315

AMOUNT

\$350 -

APPLYING IFP

JUDGE

MAG. JUDGE

AB 04/29/08